



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 16

Norman H. Zivin
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

MAILED

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OFFICE OF DIRECTOR
GROUP 15

In re Application of
Christopher Fahraeus : DECISION ON PETITION
Application No.: 09/673,786 : TO WITHDRAW THE
Filing Date: March 5, 2001 : HOLDING OF ABANDONMENT
Attorney Docket No.: 0460/63464/ :

This is a decision on the papers filed on March 26, 2003, via facsimile transmission. The papers are being treated as a petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181(a). There is no fee for this petition.

The petition is **GRANTED**.

The application was held abandoned for failure to file a proper response to the Office action mailed on September 13, 2002. A Notice of Abandonment was mailed on March 21, 2003.

The papers filed on March 26, 2003 establish that a response to the Office action was timely filed on March 17, 2003. The papers include a copy of the response and a copy of a stamped return postcard which properly identifies and acknowledges receipt of the response in the PTO on March 17, 2003. The copy of the response includes: an amendment under 37 C.F.R. § 1.111; a petition and fee for a three month extension of time; an abstract on a separate sheet; a letter and drawing with proposed drawing changes; and new corrected drawings. The copy of the amendment, the petition for a three month extension of time, and the letter with proposed drawing changes each includes a Certificate of Mailing dated March 11, 2003 and thus the originals of each would have been considered timely under 37 C.F.R. § 1.8 if they had been matched with the file.

A review of the application file record reveals that the above-identified response having been acknowledged as being received in the PTO on March 17, 2003 is not of record in the application file and cannot be located. However, a review of other office records indicates that the \$930.00 fee for a three month extension of time was received on March 17, 2003 and posted on March 20, 2003. In addition, M.P.E.P. § 503 states that "(a) postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie*

evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely received but lost after receipt thereof.

For the above stated reason, the petition is granted. The Notice of Abandonment mailed March 21, 2003 is hereby VACATED and the holding of abandonment is withdrawn. The copy of the response submitted with the petition on March 26, 2003 is accepted since the originally submitted response is lost.

The application file is being forwarded to the Technology Center 2800 support staff for entry of the response. The application file will then be forwarded to the examiner for prompt appropriate action.

Edward Westin
Edward P. Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components